

REFERENCE TITLE: fallen police officers; special plates

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2616

Introduced by
Representative Nelson, Senator Aguirre: Representatives Jones, Konopnicki,
McClure, Meza, Stump

AN ACT

AMENDING SECTIONS 28-2351, 28-2403, 28-2405, 28-6501, 28-6991 AND 28-6993, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-2425; AMENDING TITLE 41, CHAPTER 12, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1721; RELATING TO SPECIAL PLATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-2351, Arizona Revised Statutes, is amended to
3 read:

4 28-2351. License plate provided; design

5 A. The department shall provide to every owner one license plate for
6 each vehicle registered. At the request of the owner and on payment of any
7 required fee, the department shall provide either one or two license plates
8 for a vehicle for which a special plate is requested pursuant to this
9 chapter, except that the department shall provide one license plate if the
10 special plate is issued pursuant to section 28-2404, 28-2409 or 28-2416.

11 B. The license plate shall display the number assigned to the vehicle
12 and to the owner of the vehicle and the name of this state, which may be
13 abbreviated. The director shall coat the license plate with a reflective
14 material that is consistent with the determination of the license plate
15 commission established by section 28-2405 regarding the color and design of
16 license plates and special plates as prescribed by section 28-2405. The
17 director shall design the license plate and the letters and numerals on the
18 license plate to be of sufficient size to be plainly readable during daylight
19 from a distance of one hundred feet. In addition to the standard license
20 plate issued for a trailer before ~~the effective date of this amendment to~~
21 ~~this section~~ AUGUST 12, 2005, the director shall issue a license plate for
22 trailers that has a design that is similar to the standard size license plate
23 for trailers but that is the same size as the license plate for motorcycles.
24 The trailer owner shall notify the department which size license plate the
25 owner wants for the trailer.

26 C. Notwithstanding any other law, the department shall not contract
27 with a nongovernmental entity to purchase or secure reflective material for
28 the plates issued by the department unless the department has made a
29 reasonable effort to secure qualified bids or proposals from as many
30 individual responsible respondents as possible.

31 D. The license plate commission established by section 28-2405 shall
32 determine the color and design of the license plate. All other plates issued
33 by the department, except the plates issued pursuant to sections 28-2412,
34 28-2413, 28-2414, 28-2416 through ~~28-2424~~ 28-2425, 28-2452, 28-2453, 28-2454
35 and 28-2455 and article 14 of this chapter, shall be the same color as and
36 similar in design to the license plate as determined by the commission.

37 E. A passenger motor vehicle rented without a driver shall receive the
38 same type of license plate as issued for a private passenger motor vehicle.

39 Sec. 2. Section 28-2403, Arizona Revised Statutes, is amended to read:

40 28-2403. Special plates; transfers; violation; classification

41 A. Except as otherwise provided in this article, the department shall
42 issue or renew special plates in lieu of the regular license plates pursuant
43 to the following conditions and procedures and only if the requirements
44 prescribed by this article for the requested special plates are met:

1 1. Except as provided in section 28-2416, a person who is the
2 registered owner of a vehicle registered with the department or who applies
3 for an original or renewal registration of a vehicle may submit to the
4 department a completed application form as prescribed by the department with
5 the fee prescribed by section 28-2402 for special plates in addition to the
6 registration fee prescribed by section 28-2003.

7 2. Except for plates issued pursuant to sections 28-2412, 28-2413,
8 28-2414, 28-2416 through ~~28-2424~~ 28-2425, 28-2452, 28-2453, 28-2454 and
9 28-2455 and article 14 of this chapter, the special plates shall be the same
10 color as and similar to the design of the regular license plates that is
11 determined by the license plate commission pursuant to section 28-2351.

12 3. Except as provided in section 28-2416, the department shall issue
13 special plates only to the owner or lessee of a vehicle that is currently
14 registered, including any vehicle that has a declared gross weight, as
15 defined in section 28-5431, of twenty-six thousand pounds or less.

16 4. Except as provided in section 28-2416, the department shall charge
17 the fee prescribed by section 28-2402 for each annual renewal of special
18 plates in addition to the registration fee prescribed by section 28-2003.

19 B. Except as provided in section 28-2416, on notification to the
20 department and on payment of the transfer fee prescribed by section 28-2402,
21 a person who is issued special plates may transfer the special plates to
22 another vehicle the person owns or leases. Persons who are issued special
23 plates for hearing impaired persons pursuant to section 28-2408 and
24 international symbol of access special plates pursuant to section 28-2409 are
25 exempt from the transfer fee. If a person who is issued special plates
26 sells, trades or otherwise releases ownership of the vehicle on which the
27 plates have been displayed, the person shall immediately report the transfer
28 of the plates to the department or the person shall surrender the plates to
29 the department as prescribed by the director. It is unlawful for a person to
30 whom the plates have been issued to knowingly permit them to be displayed on
31 a vehicle except the vehicle authorized by the department.

32 C. The special plates shall be affixed to the vehicle for which
33 registration is sought in lieu of the regular license plates.

34 D. A person is guilty of a class 3 misdemeanor who:

35 1. Violates subsection B of this section.

36 2. Fraudulently gives false or fictitious information in the
37 application for or renewal of special plates or placards issued pursuant to
38 this article.

39 3. Conceals a material fact or otherwise commits fraud in the
40 application for or renewal of special plates or placards issued pursuant to
41 this article.

42 Sec. 3. Section 28-2405, Arizona Revised Statutes, is amended to read:

43 28-2405. License plate commission

44 A. A license plate commission is established. The commission is
45 composed of the following members:

1 1. Two public members who are appointed by the director of the
2 department of transportation.

3 2. A person who is appointed by the governor from the governor's
4 office of highway safety and who serves at the pleasure of the governor.

5 3. The director of the department of public safety or the director's
6 designee.

7 4. The director of the department of transportation or the director's
8 designee.

9 5. The director of the office of tourism or the director's designee.

10 6. The director of the state department of corrections or the
11 director's designee.

12 B. The director of the department of transportation or the director's
13 designee shall serve as chairman of the commission. The chairman shall
14 preside at commission meetings and coordinate the activities of the
15 commission and staff implementation of commission actions.

16 C. All official actions of the commission shall be decided by a
17 majority vote of commission members.

18 D. The commission shall determine the following:

19 1. The color and design of license plates.

20 2. The color of special plates to be the same as and the design of
21 special plates to be similar to the license plates, except for special plates
22 issued pursuant to sections 28-2412, 28-2413, 28-2414, 28-2416 through
23 ~~28-2424~~ 28-2425, 28-2452, 28-2453, 28-2454 and 28-2455 and article 14 of this
24 chapter.

25 3. Whether to authorize special organization plates pursuant to
26 section 28-2404.

27 4. The indicia for special organization plates issued pursuant to
28 section 28-2404.

29 E. The department shall provide the commission with staff and
30 technical assistance as necessary to perform its functions.

31 F. Commission members are not eligible to receive compensation, but
32 the members who are appointed pursuant to subsection A, paragraphs 1 and 2 of
33 this section are eligible for reimbursement of expenses pursuant to title 38,
34 chapter 4, article 2.

35 Sec. 4. Title 28, chapter 7, article 12, Arizona Revised Statutes, is
36 amended by adding section 28-2425, to read:

37 28-2425. Families of fallen police officers special plates

38 A. IF, BY DECEMBER 31, 2006, THIRTY-TWO THOUSAND DOLLARS IS PAID TO
39 THE DEPARTMENT OF TRANSPORTATION FOR THE IMPLEMENTATION OF THIS SECTION, THE
40 DEPARTMENT OF TRANSPORTATION SHALL ISSUE FAMILIES OF FALLEN POLICE OFFICERS
41 SPECIAL PLATES. THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY, OR THE
42 DIRECTOR'S DESIGNEE, SHALL DESIGN THE FAMILIES OF FALLEN POLICE OFFICERS
43 SPECIAL PLATES. THE DESIGN AND COLOR OF THE FAMILIES OF FALLEN POLICE
44 OFFICERS SPECIAL PLATES ARE SUBJECT TO THE APPROVAL OF THE DEPARTMENT OF
45 TRANSPORTATION. THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION MAY ALLOW A

1 REQUEST FOR FAMILIES OF FALLEN POLICE OFFICERS SPECIAL PLATES TO BE COMBINED
2 WITH A REQUEST FOR PERSONALIZED SPECIAL PLATES. IF THE DIRECTOR OF THE
3 DEPARTMENT OF TRANSPORTATION ALLOWS SUCH A COMBINATION, THE REQUEST SHALL BE
4 IN A FORM PRESCRIBED BY THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION AND
5 IS SUBJECT TO THE FEES FOR THE PERSONALIZED SPECIAL PLATES IN ADDITION TO THE
6 FEES REQUIRED FOR FAMILIES OF FALLEN POLICE OFFICERS SPECIAL PLATES.

7 B. OF THE TWENTY-FIVE DOLLAR FEE REQUIRED BY SECTION 28-2402 FOR THE
8 ORIGINAL SPECIAL PLATES AND FOR RENEWAL OF SPECIAL PLATES, EIGHT DOLLARS IS A
9 SPECIAL PLATE ADMINISTRATION FEE AND SEVENTEEN DOLLARS IS AN ANNUAL DONATION.

10 C. THE DEPARTMENT OF TRANSPORTATION SHALL DEPOSIT, PURSUANT TO
11 SECTIONS 35-146 AND 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE
12 STATE HIGHWAY FUND ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED
13 PURSUANT TO THIS SECTION IN THE FAMILIES OF FALLEN POLICE OFFICERS SPECIAL
14 PLATE FUND ESTABLISHED BY SECTION 41-1721.

15 Sec. 5. Section 28-6501, Arizona Revised Statutes, is amended to read:

16 28-6501. Definition of highway user revenues

17 In this article, unless the context otherwise requires or except as
18 otherwise provided by statute, "highway user revenues" means all monies
19 received in this state from licenses, taxes, penalties, interest and fees
20 authorized by the following:

21 1. Chapters 2, 7, 8 and 15 of this title, except for:

22 (a) The special plate administration fees prescribed in sections
23 28-2404, 28-2412 through ~~28-2424~~ 28-2425 and 28-2514.

24 (b) The donations prescribed in sections 28-2404, 28-2412 through
25 28-2415, 28-2417 through ~~28-2424~~ 28-2425, 28-2453, 28-2454 and 28-2455.

26 2. Chapters 10 and 11 of this title.

27 3. Chapter 16, articles 1, 2 and 4 of this title, except as provided
28 in sections 28-5926 and 28-5927.

29 Sec. 6. Section 28-6991, Arizona Revised Statutes, is amended to read:

30 28-6991. State highway fund; sources

31 A state highway fund is established that consists of:

32 1. Monies distributed from the Arizona highway user revenue fund
33 pursuant to chapter 18 of this title.

34 2. Monies appropriated by the legislature.

35 3. Monies received from donations for the construction, improvement or
36 maintenance of state highways or bridges. These monies shall be credited to
37 a special account and shall be spent only for the purpose indicated by the
38 donor.

39 4. Monies received from counties under cooperative agreements,
40 including proceeds from bond issues. The state treasurer shall deposit these
41 monies to the credit of the fund in a special account on delivery to the
42 treasurer of a concise written agreement between the department and the
43 county stating the purposes for which the monies are surrendered by the
44 county, and these monies shall be spent only as stated in the agreement.

5. Monies received from the United States under an act of Congress to provide aid for the construction of rural post roads, but monies received on projects for which the monies necessary to be provided by this state are wholly derived from sources mentioned in paragraphs 2 and 3 of this section shall be allotted by the department and deposited by the state treasurer in the special account within the fund established for each project. On completion of the project, on the satisfaction and discharge in full of all obligations of any kind created and on request of the department, the treasurer shall transfer the unexpended balance in the special account for the project into the state highway fund, and the unexpended balance and any further federal aid thereafter received on account of the project may be spent under the general provisions of this title.

6. Monies in the custody of an officer or agent of this state from any source that is to be used for the construction, improvement or maintenance of state highways or bridges.

7. Monies deposited in the state general fund and arising from the disposal of state personal property belonging to the department.

8. Receipts from the sale or disposal of any or all other property held by the department and purchased with state highway monies.

9. Monies generated pursuant to section 28-410.

10. Monies distributed pursuant to section 28-5808, subsection B, paragraph 2, subdivision (d).

11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.

12. Except as provided in section 28-5101, the following monies:

(a) Monies deposited pursuant to section 28-2206 and section 28-5808, subsection B, paragraph 2, subdivision (e).

(b) One dollar of each registration fee and one dollar of each title fee collected pursuant to section 28-2003.

(c) Two dollars of each late registration penalty collected by the director pursuant to section 28-2162.

(d) The air quality compliance fee collected pursuant to section 49-542.

(e) The special plate administration fees collected pursuant to sections 28-2404, 28-2412 through ~~28-2424~~ 28-2425 and 28-2514.

(f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156 if the director is the registering officer.

13. Monies deposited pursuant to chapter 5, article 5 of this title.

14. Donations received pursuant to section 28-2269.

15. Dealer and registration monies collected pursuant to section 28-4304.

16. Abandoned vehicle administration monies deposited pursuant to section 28-4804.

17. Monies deposited pursuant to section 28-710, subsection D, paragraph 2.

1 Sec. 7. Section 28-6993, Arizona Revised Statutes, is amended to read:
2 28-6993. State highway fund; authorized uses

3 A. Except as provided in subsection B of this section and section
4 28-6538, the state highway fund shall be used for any of the following
5 purposes in strict conformity with and subject to the budget as provided by
6 this section and by sections 28-6997 through 28-7003:

7 1. To pay salaries, wages, necessary travel expenses and other
8 expenses of officers and employees of the department and the incidental
9 office expenses, including telegraph, telephone, postal and express charges
10 and printing, stationery and advertising expenses.

11 2. To pay for both:

12 (a) Equipment, supplies, machines, tools, department offices and
13 laboratories established by the department.

14 (b) The construction and repair of buildings or yards of the
15 department.

16 3. To pay the cost of both:

17 (a) Engineering, construction, improvement and maintenance of state
18 highways and parts of highways forming state routes.

19 (b) Highways under cooperative agreements with the United States that
20 are entered into pursuant to this chapter and an act of Congress providing
21 for the construction of rural post roads.

22 4. To pay land damages incurred by reason of establishing, opening,
23 altering, relocating, widening or abandoning portions of a state route or
24 state highway.

25 5. To reimburse the department revolving account.

26 6. To pay premiums on authorized indemnity bonds and on compensation
27 insurance under the workers' compensation act.

28 7. To defray lawful expenses and costs required to administer and
29 carry out the intent, purposes and provisions of this title, including
30 repayment of obligations entered into pursuant to this title, payment of
31 interest on obligations entered into pursuant to this title, repayment of
32 loans and other financial assistance, including repayment of advances and
33 interest on advances made to the department pursuant to section 28-7677, and
34 payment of all other obligations and expenses of the board and department
35 pursuant to chapter 21 of this title.

36 8. To pay lawful bills and charges incurred by the state engineer.

37 9. To acquire, construct or improve entry roads to state parks or
38 roads within state parks.

39 10. To acquire, construct or improve entry roads to state prisons.

40 11. To pay the cost of relocating a utility facility pursuant to
41 section 28-7156.

42 12. For the purposes provided in subsections C, D and E of this section
43 and sections 28-1143, 28-2353 and 28-3003.

1 B. For each fiscal year, the department of transportation shall
 2 allocate and transfer monies in the state highway fund to the department of
 3 public safety for funding a portion of highway patrol costs in eight
 4 installments in each of the first eight months of a fiscal year that do not
 5 exceed ten million dollars.

6 C. Subject to legislative appropriation, the department may use the
 7 monies in the state highway fund as prescribed in section 28-6991, paragraph
 8 12 to carry out the duties imposed by this title for registration or titling
 9 of vehicles, to operate joint title, registration and driver licensing
 10 offices, to cover the administrative costs of issuing the air quality
 11 compliance sticker, modifying the year validating tab and issuing the
 12 windshield sticker and to cover expenses and costs in issuing special plates
 13 pursuant to sections 28-2404, 28-2412 through ~~28-2424~~ 28-2425 and 28-2514.

14 D. The department shall use monies deposited in the state highway fund
 15 pursuant to chapter 5, article 5 of this title only as prescribed by that
 16 article.

17 E. Monies deposited in the state highway fund pursuant to section
 18 28-2269 shall be used only as prescribed by that section.

19 F. Monies deposited in the state highway fund pursuant to section
 20 28-710, subsection D, paragraph 2 shall only be used for state highway work
 21 zone traffic control devices.

22 G. The department may exchange monies distributed to the state highway
 23 fund pursuant to section 28-6538, subsection A, paragraph 1 for local
 24 government surface transportation program federal monies suballocated to
 25 councils of government and metropolitan planning organizations if the local
 26 government scheduled to receive the federal monies concurs. An exchange of
 27 state highway fund monies pursuant to this subsection shall be in an amount
 28 that is at least equal to ninety per cent of the federal obligation authority
 29 that exists in the project for which the exchange is proposed.

30 Sec. 8. Title 41, chapter 12, article 2, Arizona Revised Statutes, is
 31 amended by adding section 41-1721, to read:

32 41-1721. Families of fallen police officers special plate fund

33 THE FAMILIES OF FALLEN POLICE OFFICERS SPECIAL PLATE FUND IS
 34 ESTABLISHED CONSISTING OF MONIES RECEIVED PURSUANT TO SECTION 28-2425. THE
 35 DEPARTMENT SHALL ADMINISTER THE FUND. NOT MORE THAN TEN PER CENT OF MONIES
 36 DEPOSITED IN THE FUND ANNUALLY SHALL BE USED FOR THE COST OF ADMINISTERING
 37 THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED. THE DEPARTMENT
 38 SHALL ALLOCATE MONIES FROM THE FUND TO AN INCORPORATED NONPROFIT CORPORATION
 39 IN THIS STATE THAT IS QUALIFIED UNDER SECTION 501(C)(3) OF THE UNITED STATES
 40 INTERNAL REVENUE CODE FOR FEDERAL INCOME TAX PURPOSES IF THE NONPROFIT
 41 CORPORATION DEMONSTRATES A COMMITMENT TO HELPING IN THE HEALING OF FAMILY
 42 SURVIVORS OF POLICE OFFICERS WHO DIED IN THE LINE OF DUTY IN THIS STATE.